

Remarks

Applicants have carefully reviewed the Office Action mailed on January 24, 2008. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 1 and 13 are amended. No new matter is added. Please cancel claims 9, 20, and 23-29 without prejudice. Claims 1, 5-8, 10-19, and 21 remain pending.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 5, 7-8, 10-17, 19, 21, 23-25, and 27-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Acciai et al. in U.S. Patent No. 5,855,802 in view of Pacetti et al. in U.S. Patent No. 6,695,920 and McCoy in U.S. Patent Application Pub. No. US 2003/0234243. Regarding claims 23-25 and 27-29, without conceding the merits of the rejection, please note that these claims are now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future.

Regarding claims 1, 5, 7-8, and 10-12, claim 1 is amended to recite that the laser cutting system includes a laser/water jet hybrid. This amendment essentially incorporates the subject matter of claim 9 into claim 1. The Examiner admitted that Acciai et al., Pacetti et al., and McCoy fail to disclose this limitation. However, the Examiner indicated Kranz discloses a water laser and that it would be obvious to combine the teachings of Kranz with Acciai et al., Pacetti et al., and McCoy to arrive at the claimed invention. We respectfully disagree.

In asserting this rejection, the Examiner pointed to a passage of Kranz that recited “a cutting jet of water preferably a laser beam.” Applicants initially note that this passage does not use language that makes sense or that is clear. Therefore, it is difficult to ascertain the intended meaning of the passage. None-the-less, this passage fails to use the words laser/water jet hybrid (as claimed) and, thus, cannot be interpreted to literally meet the claimed invention.

In addition, it is not at all clear how this passage teaches that a laser/water jet hybrid may be used to cut a stent. Indeed, the passage makes use of both the words “water” and “laser”. However, these words appear to be provided as alternative

examples of a cutting means or, at best, as cutting means that are examples of one another. Therefore, Kranz does not appear to teach a laser/water jet hybrid, as claimed. Indeed, it is not at all clear how the passage could possibly be interpreted to teach or suggest a laser/water jet hybrid, as claimed. Because of this, Kranz cannot properly be relied upon to overcome the deficiencies of Acciai et al., Pacetti et al., and McCoy.

Based on the forgoing comments, Applicants respectfully submit that amended claim 1 is patentable over the cited art because, for example, the art fails to teach or suggest all the claim limitations. Consequently, Applicants respectfully submit that claim 1 as well as claims 5, 7-8, and 10-12 depending therefrom, are patentable over the cited art.

Regarding claims 13-17, 19, and 21, just like claim 1, claim 13 is amended to recite that the laser cutting system includes a laser/water jet hybrid. This amendment essentially incorporated the subject matter of claim 20 into claim 1. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes the claim 13 from the cited art. Consequently, Applicants respectfully submit that claim 13, as well as claims 14-17, 19, and 21 depending therefrom, are in condition for allowance.

Claims 6 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Acciai et al., Pacetti et al., and McCoy as applied above and further in view of Magnante in U.S. Patent No. 6,086,204. For the reasons set forth above, Applicants respectfully submit that amended claims 1 and 13 are now in condition for allowance. Because claims 6 and 18 depend from claims 1 and 13, respectively, they are also patentable based on these amendments and because they add significant elements to distinguish them further from the art.

Claims 9 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Acciai et al., Pacetti et al., and McCoy as applied above and further in view of Kranz in U.S. Patent No. 6,197,047.

Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Acciai et al., Pacetti et al., and McCoy as applied above and further in view of Callol in U.S. Patent No. 6,464,723. Without conceding the merits of the rejection, please note that claim 26 is

now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue this claim or claims of a similar scope in the future.

Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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